

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed electronically with the U.S. Patent and Trademark Office on the below date:

Date: January 22, 2009

Name: Heidi A. Dare, Reg. No. 50,775

Signature: Heidi A. Dare

Attorney Docket No. 8465-43  
Client Ref. No. P200101243 US3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Lasse W. Mogensen, et al.	:
		:
Serial No.:	10/813,214	: Confirmation No.: 5131
		:
Filed:	March 29, 2004	: Group Art Unit: 3767
		:
For:	INJECTOR DEVICE FOR PLACING:	: Examiner: Elizabeth MacNeill
	A SUBCUTANEOUS INFUSION SET	:

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

**Mail Stop Appeal Brief-Patents**  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In Response to the Notification of Non-Compliant Appeal Brief dated December 30, 2008, Applicants hereby submit the sections required pursuant to 37 CFR 41.37(c)(1)(iii) and 37 CFR 41.37(c)(1)(ix). Each section of this Response is submitted below on separate sheets, and each section heading is numbered to correspond to the numbering of the Notification.

## **2. STATUS OF CLAIMS**

Claims 1–49 have been cancelled.

The claims presented are Claims 50–100. The Examiner allowed claims 60–64. The Examiner objected to Dependent Claims 73–77 as allowable but dependent upon a rejected base claim. The Examiner rejected claims 72, 78, 80–88, and 90–100 under 35 U.S.C. § 102(b). The Examiner rejected claims 50–57, 59, 65–68, 72, 78–85, 89, and 93–99 under 35 U.S.C. § 102(e). The Examiner rejected claims 58–59, 69–71, 86–88, 90–92, and 100 were rejected under 35 U.S.C. § 103(a). All rejected and “objected to” claims are appealed.

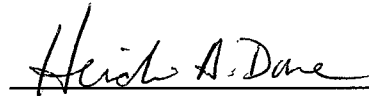
**8. EVIDENCE APPENDIX**

None.

While Applicants believe that no additional fees are due in connection with this filing, Applicants direct the Office to charge **Deposit Account No. 23-1925** for any fees deemed owed during the pendency of this application, excluding the issue fee.

Respectfully submitted,

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, Illinois 60610  
312-321-4200  
January 22, 2009



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Heidi A. Dare  
Registration No. 50,775